

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMIE OSUNA,

Plaintiff,

v.

T. CAMPBELL, *et al.*,

Defendants.

Case No. 1:24-cv-01156-JLT-EPG (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE (ECF NO. 8) AND GRANTING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS (ECF NO. 2)

AND

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

Plaintiff Jamie Osuna is a state prisoner proceeding *pro se* in this civil rights lawsuit filed pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's application to proceed *in forma pauperis* (IFP). (ECF No. 2). The Court also received Plaintiff's trust fund account statement from the California Department of Corrections and Rehabilitation (CDCR). (ECF No. 5). After reviewing the application and the trust account statement, the Court issued an order on October 16, 2024, ordering Plaintiff to show cause why this case should not be dismissed for filing a false IFP affidavit. (ECF No. 8). Plaintiff responded. (ECF No. 9).

The Court finds that Plaintiff has adequately explained deposits into his trust account and the encumbrances. Accordingly, the Court **DISCHARGES** its previous Order to Show Cause. (ECF No. 8).

1 The Court also finds that in his application to proceed *in forma pauperis* (ECF No. 2),
2 Plaintiff has made the showing required by § 1915(a) and accordingly, his request to proceed IFP
3 will be **GRANTED**.

4 Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C.
5 § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of
6 the preceding month's income credited to Plaintiff's trust account. The California Department of
7 Corrections and Rehabilitation is required to send to the Clerk of the Court payments from
8 plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing
9 fee is paid in full. 28 U.S.C. § 1915(b)(2).

10 Accordingly, **IT IS ORDERED:**

- 11 1. The Court's Order to Show Cause (ECF No. 8) is **DISCHARGED**.
- 12 2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is **GRANTED**.
- 13 3. **The Director of the California Department of Corrections and Rehabilitation**
14 **or his designee shall collect payments from Plaintiff's prison trust account in**
15 **an amount equal to twenty percent (20%) of the preceding month's income**
16 **credited to the prisoner's trust account and shall forward those payments to**
17 **the Clerk of the Court each time the amount in the account exceeds \$10.00, in**
18 **accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been**
19 **collected and forwarded to the Clerk of the Court. The payments shall be**
20 **clearly identified by the name and number assigned to this action.**
- 21 4. The Clerk of the Court is directed to serve a copy of this order and a copy of
22 Plaintiff's *in forma pauperis* application on the California Department of
23 Corrections and Rehabilitation via CM/ECF.
- 24 5. The Clerk of the Court is directed to serve a copy of this order on the Financial
25 Department, U.S. District Court, Eastern District of California.

26 IT IS SO ORDERED.

27 Dated: **November 26, 2024**

28 /s/ Eric P. Guay
UNITED STATES MAGISTRATE JUDGE